

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Rickey ¹ McCall, #211464,)	C/A No. 4:16-cv-01188-RBH-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
Johnny McCloud;)	
Robert Kilgore;)	
Darlington County Solicitor;)	
Wayne Byrd, and)	
John Does,)	
)	
Defendants.)	
)	

This is a civil action filed by a state prisoner. Although he was a state prisoner when this case was filed, it appears from a Notice of Change of Address, ECF No. 16, that Plaintiff is no longer in state custody. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By Order dated April 29, 2016, Plaintiff was given a specific time frame in which to bring this case into proper form. ECF No. 7. Plaintiff has complied with the court's Order, and this case is now in proper form.

PAYMENT OF THE FILING FEE:

Plaintiff was previously granted *in forma pauperis* status. ECF No. 8. By filing this case, Plaintiff has incurred a debt to the United States of America in the amount of \$350.² *See* 28 U.S.C. § 1914. This debt is not dischargeable in the event Plaintiff seeks relief under the

¹ In the South Carolina Department of Corrections inmate locator records, Plaintiff's first name was spelled Ricky. *See* <http://public.doc.state.sc.us/scdc-public/> (last consulted April 29, 2016). It also appears that the Darlington County Clerk of Court uses the spelling "Ricky" for plaintiff's records. *See* <http://publicindex.sccourts.org/Darlington/PublicIndex/PISearch.aspx> (last consulted Aug. 30, 2016). Plaintiff states that his birth certificate name is Rickey. ECF No. 11.

² Effective May 1, 2013, an administrative fee of \$50 is added to the filing fee of \$350. The \$50 administrative fee, however, is not applicable to *in forma pauperis* cases.

bankruptcy provisions of the United States Code. *See* 11 U.S.C. § 523(a)(17). The Prison Litigation Reform Act (PLRA) of 1996 permits a prisoner to file a civil action without **prepayment** of fees or security, but requires the prisoner “to pay the full amount of the filing fee” as funds are available. *See* 28 U.S.C. § 1915(a), (b).

TO THE CLERK OF COURT:

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. § 1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall **not** issue any summonses nor shall the Clerk of Court forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name being the most prominent.

August 31, 2016
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge